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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,815

09/12/2006

Adam S. Leitch

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12/23/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

WANG-HURST, KATHY W

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,815	Applicant(s) LEITCH ET AL.	
	Examiner KATHY WANG-HURST	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 8-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6, 8-30, 33 and 34 is/are allowed.
- 6) ☒ Claim(s) 31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 10/13/2008 has been entered. Claims 1 and 7 have been cancelled. Claims 33 and 34 are added. Claims 2-6 and 8-34 are still pending in this application.

Response to Arguments

2. Applicant's arguments filed have been fully considered but they are not persuasive.

The applicants argued features wherein a plurality of nodes determine a distance between themselves and a reference node based on the time it takes for a range response, read upon McCorkle in view of Woods as follows.

McCorkle teaches local device communicating with remote devices with unique links and determining distance taking into account the transmit time receive time and delay to each remote device. Thus McCorkle shows the limitation of "allocate a reply period to each of the additional nodes when the second node has transmitted a range response to the first node and determine a distance between the second node and the plurality of the additional nodes based on the reply period and range response".

Therefore, the argued limitations read upon the cited references or are written broad such that they read upon the cited references, as follows.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCorkle (US 2003/0174048) in view of Wood, Jr. (US 6307848).

Regarding claim 31, A computer readable medium encoded with a computer program to be used in a wireless network comprising a first node , a second node and a plurality of eavesdropping additional nodes in direct contact with the second node, the computer readable medium encoded with a computer program which controls a processor to: allocate a reply bandwidth to each of the plurality of additional nodes when the second node has transmitted a range response to the first node and determine a distance between the second node and the plurality of additional nodes based on the reply period and the range response ([0116][0126] and Figs. 4 and 5).

McCorkle teaches allocating bandwidth to each device but fails to disclose allocating period to each device. Wood teaches allocating period to each device (col. 6 lines 7-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the invention of McCorkle, to allocating a time period to each device that is transmitting to the master device, as taught by Woods, thus allowing an uninterrupted communication with devices one at a time (col. 6 lines 7-20).

Regarding claim 32, McCorkle discloses a computer readable medium ([0135]) but fails to teach a computer readable medium wherein said step of allocating is made in dependence on the power level of each of the plurality of eavesdropping nodes.

Wood teaches a collision reduction mechanism by finding a random number for each replying device and grouping replying devices in a form of a tree with different levels. As more levels of the tree are skipped more battery power is saved. The replying devices use now known random value to conduct transmission (col. 10 lines 43-64).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the collision reduction mechanism taught by Wood into the method disclosed by McCorkle in order to improve the power management of the network by taking into consideration of power capability of the transmitting device (col. 10 lines 43-64).

Allowable Subject Matter

5. Claims 2-6, 8-30, 33-34 are allowable.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHY WANG-HURST whose telephone number is (571) 270-5371. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2617

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Supervisory Patent Examiner, Art Unit 2617